

Advice Letter Summaries

OCTOBER 2008

| Campaign | |
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| Wasserman, R. Zachary Brown 2010 Committee Dated: October 6, 2008 File Number A-08-165 | <p>A campaign committee is advised that pursuant to Section 85306(a) a candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method, and these attributed contributions, when aggregated with all other contributions from the same contributor, may not exceed the limits set forth in Section 85301 or 85302.</p> |
| Lance Olson Olson, Hagel & Fishburn, LLP Dated: October 24, 2008 File Number A-08-177 | <p>A political party committee’s payment, made directly to a media vendor on behalf of a candidate who had entered into an advertising contract with the vendor, does not retroactively alter or eliminate the expenditure made by the candidate on the date he made an enforceable promise to pay the contract price. Under these circumstances, the candidate’s expenditure is treated as a campaign expenditure which counts against the candidate’s voluntary expenditure ceilings.</p> <p style="text-align: center;">Notes/Superseded Letters:</p> <p style="text-align: center;">This letter supersedes the <i>Krvaric</i> Advice Letter, No. A-08-145, to the extent that the analysis employed in the <i>Krvaric</i> Advice Letter differs from the analysis employed in the present letter.</p> |
| Conflicts of Interest | |
| Steve Lavagnino Dated: October 3, 2008 File Number I-08-156 | <p>A candidate for county supervisor will not have a prohibited conflict of interest if he is elected solely because his father is serving as the mayor of a city entirely contained within the county.</p> |
| Chisorom U. Okwuosa Department of Aging Dated: October 10, 2008 File Number I-08-167 | <p>The Act does not prohibit the Director of the Department of Aging from accepting a paid position on a board of a non-profit organization. However, the Director’s decision-making in her capacity as a public official could be limited in certain situations if she is making, participating in making, or influencing a decision that has a reasonably foreseeable material financial effect on her source of income, the non-profit organization.</p> |
| Rob Schroder, Mayor City of Martinez Dated: October 7, 2008 File Number I-08-168 | <p>The elected mayor of a city may participate in decisions regarding problems concerning a city creek so long as the decisions do not materially affect the mayor’s economic</p> |

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| | interests. The mayor is an employee of an insurance company and as president of the company receives salary. The company has sold insurance to property owners near the creek. |
| Lori J. Barker Chico City Council Dated: October 7, 2008 File Number A-08-170 | <p>A city is advised that the city council may use the segmentation process under Regulation 18709 in considering three different areas of its general plan update where different members of the city council each have a conflict of interest involving one of those areas.</p> <p>Notes/Superseded Letters:</p> <p>Follows procedures set forth in <i>Murphy</i> Advice Letters Nos. A-07-031 and A-07-050 that allows segmentation when more than one member has a potential conflict of interest even though segmentation regulation states that the issue where the member has a conflict must be decided “first.”</p> |
| Lori J. Baker Chico City Council Dated: October 21, 2008 File Number I-08-175 | <p>A city is advised that the city council may use the segmentation process under Regulation 18709 to defer governmental decisions on one potential growth area until further review and recommendation by a committee and, in the meantime, proceed with decisions concerning another potential growth area as part of its review for an updated general plan.</p> <p>Notes/Superseded Letters:</p> <p>Follow up letter to A-08-170</p> |
| Achadjian, Khatchik San Luis Obispo County Board of Supervisors Dated: October 30, 2008 File Number A-08-180 | <p>The conflict-of-interest provisions of the Act do not bar a member of a county board of supervisors from participating in a decision to approve a development application where one of the partners of the development project serves on the board of directors of a bank on which the supervisor also serves as a director. The decision will not have a reasonably foreseeable material financial effect on the supervisor’s economic interests.</p> |
| Gift Limits | |
| Daniel S. Hentschke San Diego County Water Authority Dated: October 06, 2008 File Number I-08-166 | <p>Meals provided by a local government agency for its officials and designated employees and the officials and designated employees of another local government agency during meetings at which government business of both agencies is discussed, are considered gifts to the officials and employees of the other agency. These gifts are both reportable and subject to the gift limits of the Act if the employee is required to report the receipt of income or gifts from that source on his or her Statement of Economic Interests. Because</p> |

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| | the meetings do not involve travel, the meals do not fall within the exception for “subsistence” related to travel under Section 89506. |
| David Whittum City of Sunnyvale Dated: October 22, 2008 File Number A-08-171 | <p>An official sought advice whether he may accept reimbursement for airfare, registration, and hotel expenses for a meeting in Orlando, Florida that he was offered as a result of a drawing. Official was advised that the cost of the transportation, meals, and lodging is a gift under the Act. Therefore, the official may receive reimbursement for these items up to the maximum gift limit of \$390. The cost of admission to the meeting is also a gift under the Act, unless the meeting serves to convey information to assist the official in performance of his official duties, in which case, the admission fee is not a gift under the “informational material” exception. Also, if the official accepts a gift valued at \$390 or more, he may be prohibited from participating in governmental decisions affecting the source of the gift.</p> |
| Gift Reporting | |
| Tamar Pachter California Institute for Regenerative Medicine Dated: October 17, 2008 File Number I-08-142 | <p>Regarding application of Regulation 18944.2 (Gifts to an Agency), staff advised: Gifts to an agency that benefit the agency as a whole and do not provide a personal benefit to a particular official do not fall within the scope of Regulation 18944.2 and agency is not required to disclose donors of those gifts. Gifts to an agency that will provide personal benefit to undesignated officials in the agency such as salary, benefits, or travel, will be subject to the restrictions and reporting requirements of Regulation 18944.2. Gifts to the agency that do not provide personal benefits or that fall under an exception in the Act or Commission regulations are not subject to the gift rules, including Regulation 18944.2. Gifts made to benefit an identified position, such as the General Counsel, are clearly being made to benefit a particular individual and, unless they fall under an exception in the Act or Commission regulations, are gifts under the Act and subject to the Act’s reporting requirements. If the gift is made to benefit an identified position the gifts to agency exception does not apply because under Regulation 18944.2 the donor of the gift may not designate by name, title, class, or otherwise an official who may use the payment.</p> |

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Juanita G. Lira